

REMARKS

In the Official Action mailed on **June 30, 2004**, the Examiner reviewed claims 1-51. Claim 9 was rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-9, 11-13, 19-26, 29-30, 32, 34-38, 40-42, 44, 46-49, and 51 were rejected under 35 U.S.C. §102(e) as being anticipated by Wu et al. (USPN 6,370,620, hereinafter “Wu”). Claims 1, 8, 15-17, 22, 23, 36, 37, 46, 47, and 51 were rejected under 35 U.S.C. §102(e) as being anticipated by Dias et al. (USPN 6,317,778, hereinafter “Dias”). Claims 8, 23, 28, 37, and 39 were rejected under 35 U.S.C. §103(a) as being unpatentable over Jordan et al. (USPub 2002/0026536, hereinafter “Jordan”) in view of Challenger et al. (USPN 6,266,742, hereinafter “Challenger”). Claims 14, 31, and 43 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wu in view of Challenger. Claims 18, 33, 45, and 50 were rejected under 35 U.S.C. §103(a) as being unpatentable over Wu in view of Wang (USPub 2002/0184368, hereinafter “Wang”).

Rejections under 35 U.S.C. §112, second paragraph

Claim 9 was rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 has been canceled (see below).

Rejections under 35 U.S.C. §102(b) and 35 U.S.C. §103(a)

Independent claims 1, 11, 23, 36, 37, 46, 47, and 51 were rejected as being anticipated by Wu. Independent claims 1, 11, 23, 36, 37, 46, 47, and 51 were rejected as being anticipated by Dias.

Applicant has canceled claims 1-51 without prejudice and entered new claims 52-90. These new claims are directed to using “content digests” to speed


up the process of loading data objects into a cache during a “warm-up phase” for the cache. New claims 52-90 find support in FIG. 3 and on page 15, line 18 to page 19, line 12 of the instant application. the prior art does not suggest using content digests in this way.

Hence, Applicant respectfully submits that independent claims 52, 65, and 78 are in condition for allowance. Applicant also submits that claims 53-64, which depend upon claim 52, claims 66-77, which depend upon claim 65, and claims 79-90, which depend upon claim 78, are for the same reasons in condition for allowance and for reasons of the unique combinations recited in such claims.

CONCLUSION

It is submitted that the present application is presently in form for allowance. Such action is respectfully requested.

Respectfully submitted,

By 
Edward J. Grundler
Registration No. 47,615

Date: September 28, 2004

Edward J. Grundler
PARK, VAUGHAN & FLEMING LLP
508 Second Street, Suite 201
Davis, CA 95616-4692
Tel: (530) 759-1663
FAX: (530) 759-1665